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In re:

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Entered on Docket June 27, 2006

Buc a. March

Hon. Bruce A. Markell **United States Bankruptcy Judge**

Annette W. Jarvis, Utah Bar No. 1649 6 RAY OUINNEY & NEBEKER P.C. 7 36 South State Street, Suite 1400 P.O. Box 45385 8 Salt Lake City, Utah 84145-0385 Telephone: (801) 532-1500 9 Facsimile: (801) 532-7543 10 Email: ajarvis@rqn.com 11 Lenard E. Schwartzer 12 Nevada Bar No. 0399 Schwartzer & McPherson Law Firm 13 2850 South Jones Boulevard, Suite 1 14 Las Vegas, Nevada 89146-5308 Telephone: (702) 228-7590 15 Facsimile: (702) 892-0122 E-Mail: bkfilings@s-mlaw.com 16 Proposed Attorneys for Debtors and Debtors-in-Possession

UNITED STATES BANKRUPTCY COURT DISTRICT OF NEVADA

19 USA COMMERCIAL MORTGAGE COMPANY, 20 Debtor. In re: 21 USA CAPITAL REALTY ADVISORS, LLC, Debtor. 22 In re: 23 USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC, Debtor. 24 In re: 25 USA CAPITAL FIRST TRUST DEED FUND, LLC, Debtor. 26 In re: 27 USA SECURITIES, LLC, Debtor. 28

Case No. BK-S-06-10725 LBR Case No. BK-S-06-10726 LBR Case No. BK-S-06-10727 LBR Case No. BK-S-06-10728 LBR Case No. BK-S-06-10729 LBR Chapter 11 Jointly Administered Under Case No. BK-S-06-10725 LBR

ORDER DENYING MOTION FOR ORDER AUTHORIZING RETURN OF NON-INVESTED FUNDS OF STANLEY ALEXANDER TRUST, DRS. STANLEY ALEXANDER AND FLORENCE ALEXANDER

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| 1 | Affects: |
| ٦ | ☑ All Debtors |
| 2 | ☐ USA Commercial Mortgage Company ☐ USA Securities, LLC |
| 3 | ☐ USA Securities, LLC ☐ Date: June 15, 2006 |
| 4 | ☐ USA Capital Diversified Trust Deed Fund, LLC Time: 10:00 a.m. |
| 7 | ☐ USA First Trust Deed Fund, LLC |
| 5 | |
| 6 | The Motion For Order Authorizing Return Of Non-Invested Funds Of Stanley Alexander |
| 7 | Trust, Drs. Stanley Alexander And Florence Alexander (the "Motion") having come before this |
| 8 | Court on June 15, 2006; the Debtors, USA Commercial Mortgage Company ("USACM"), USA |
| 9 | Securities, LLC ("USA Securities"), USA Capital Realty Advisors, LLC ("USA Realty"), USA |
| 10 | Capital Diversified Trust Deed Fund ("USA Diversified"), and USA Capital First Trust Deed |
| 11 | Fund ("USA First") (collectively referred to as "Debtors") appearing by and through their counsel, |
| 12 | Ray Quinney & Nebeker P.C. and Schwartzer & McPherson Law Firm; Stanley Alexander Trust, |
| 13 | Drs. Stanley Alexander And Florence Alexander appearing by and through their counsel Robert C. |
| 14 | LePome, Esq., it is hereby |
| 15 | ORDERED that the Motion For Order Authorizing Return Of Non-Invested Funds Of |
| 16 | Stanley Alexander Trust, Drs. Stanley Alexander And Florence Alexander is hereby denied |
| 17 | without prejudice as the rights to the funds in the Investor Account will be determined in |
| 18 | connection with an Interpleader action. |
| 19 | Submitted by: |
| 20 | Annette W. Jarvis, Utah Bar No. 1649 RAY QUINNEY & NEBEKER P.C. |
| 21 | 36 South State Street, Suite 1400 |
| 22 | P.O. Box 45385 Salt Lake City, Utah 84145-0385 |
| 23 | and |
| 24 | |
| 25 | gante 9. Duson |
| 26 | Lenard E. Schwartzer, Esq. Jeanette E. McPherson, Esq. |
| | j Jeangue L. Mut Heison, Esq. |

SCHWARTZER & MCPHERSON LAW FIRM

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Las Vegas, Nevada 89146 28 Attorneys for Debtor and Debtor-In-Possession ORDER DENYING MOTION FOR ORDER AUTHORIZING RETURN OF NON-

| 2 | INVESTED FUNDS OF STANLEY ALEXANDER TRUST, DRS. STANLEY ALEXANDER AND FLORENCE ALEXANDER | |
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| 3 | Approved Disapproved by: | Approved/Disapproved by: |
| 4 | OFFICE OF THE U.S. TRUSTEE | and the second of the second o |
| 5 | OFFICE OF INFOSTEE | |
| 6 | By: WILLIAM DAWS | |
| 7 | Allgist Endis, Esq. | Robert C. LePome, Esq. |
| 8 | Scott Farrów, Esq. | 330 S. Third St., #100B Las Vegas, NV 89101 |
| | | Attorney for Stanley Alexander Trust, Drs. |
| 9 | | Stanley Alexander And Florence Alexander |
| 10 | Approved/Disapproved by: | Approved/Disapproved by: |
| 11 | STUTMAN TREISTER & GLATT and SHEA | GORDON & SILVER, LTD |
| 12 | & CARLYON, LTD. | , and an |
| 13 | Ву: | By: |
| 14 | Frank A. Merela, Esq. | Gerald M. Gordon, Esq. |
| 1.44 | Eve Karasik, Esq. | Gregory E. Garman, Esq. |
| 15 | Christine Pajak, Esq. | Counsel for Official Committee of |
| | Counsel for the Official Committee of | Holders of Executory Contract Rights of |
| 16 | Equity Security Holders of USA Capital | USA Commercial Mortgage Company |
| 17 | First Trust Deed Fund LLC | |
| 18 | Approved/Disapproved by: | Approved/Disapproved by: |
| 19 | ORRICK, HERRINGTON & SUTCLIFFE | LEWIS AND ROCA, LLP |
| 20 | LLP and BECKLEY SINGLETON, CHTD. | |
| 21 | Ву: | By: |
| ۱ ا | Mark A. Levinson Esq. | Susan M. Freeman |
| 22 | Lynn Trinka Ernce, Esq. [Proposed] Counsel for the Official | Rob Charles Counsel for Official |
| 23 | Committee of Equity Security Holders of | Committee of Unsecured Creditors of |
| 24 | USA Capital Diversified Trust Dood Fund LLC | USA Commercial Mortgage Company |
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| 3 | Approved/Disapproved by: | Approved Disapproved by: |
| 4 | OFFICE OF THE U.S. TRUSTEE | |
| 5 | | |
| 6 | Ву: | - My form |
| 7 | August Landis, Esq. | Robert C. LePorne, Esq. 330 S. Third St., #100B |
| | Scott Farrow, Esq. | Las Vegas, NV 89101 |
| 8 | · | |
| 9 | | Attorney for Stanley Alexander Trust, Drs. Stanley Alexander And Florence Alexander |
| 10 | Approved/Disapproved by: | Approved/Disapproved by: |
| 11 | DITTING AND TRETICIENTS OF A THE AMERICAN AND A CORETA | CODDON & CITYED 1 TD |
| 12 | STUTMAN TREISTER & GLATT and SHEA & CARLYON, LTD. | GORDON & SILVER, LTD |
| 13 | By: | By: |
| 14 | Frank A Merola, Esq. | Gerald M. Gordon, Esq. |
| | Eve Karasik, Esq. | Gregory E. Garman, Esq. |
| 15 | Christine Pajak, Esq. | Counsel for Official Committee of |
| 16 | Counsel for the Official Committee of | Holders of Executory Contract Rights of USA Commercial Mortgage Company |
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| 19 | ORRICK, HERRINGTON & SUTCLIFFE | LEWIS AND ROCA, LLP |
| 20 | LLP and BECKLEY SINGLETON, CHTD. | |
| 21 | By: Mark A. Levinson Esq. | By: Susan M. Freeman |
| 22 | Lynn Trinka Ernce, Esq. | Rob Charles |
| | [Proposed] Counsel for the Official | Counsel for Official |
| 23 | Committee of Equity Security Holders of USA Capital Diversified Trust Deed | Committee of Unsecured Creditors of USA Commercial Mortgage Company |
| 24 | Fund LLC | |
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| Lost South Jones Boulevard, Suite 1 Las Vegas, Nevada 89446-5308 Tel: (702) 228-7590 · Fax: (702) 892-0122 | |
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| . 3. | Approved/Disapproved by: | Approved/Disapproved by: |
| 4 5 | OFFICE OF THE U.S. TRUSTEE | |
| 6 | Ву: | |
| 7 | August Landis, Esq. Scott Farrow, Esq. | Robert C. LePome, Esq. 330 S. Third St., #100B |
| 8 | | Las Vegas, NV 89101 Attorney for Stanley Alexander Trust, Drs. |
| 9 | | Stanley Alexander And Florence Alexander |
| 10 | Approved Disapproved by: | Approved/Disapproved by: |
| 11 | STUTMAN TREISTER & GLATT and SHEA | GORDON & SILVER, LTD |
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| 13 | By: Cht M. Pust | Ву: |
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| 21 | Ву: | Ву: |
| | Mark A. Levinson Esq. Lynn Trinka Ernce, Esq. | Susan M. Freeman Rob Charles |
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| 5 | OFFICE OF THE U.S. TRUSTEE | |
| 6 | _ | |
| | By:August Landis, Esq. | Robert C. LePome, Esq. |
| 7 | Scott Farrow, Esq. | 330 S. Third St., #100B |
| 8 | , . | Las Vegas, NV 89101 |
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| 7 | August Landis, Esq. | Robert C. LePome, Esq. |
| | Scott Farrow, Esq. | 330 S. Third St., #100B Las Vegas, NV 89101 |
| 8 | | Attorney for Stanley Alexander Trust, Drs. |
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3 Order Denying ALEXANDER Motion Return of NonInvested Funds.DOC